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transferred to Rome -- to Italy. So as being closed the call center in the United States is one of the action.

Q. Anything else?

A. The early retirement plan.

Q. And please describe this early retirement plan?

A. I was not in charge of that.

Q. And who was in charge of that?

A. Mr. Gallo.

Q. Anyone else in charge of that?

A. No.

Q. To your knowledge what if an employee didn't take the early retirement plan?

A. Which employee didn't take?

Q. What would happen, if anything, if an employee said "no, thank you. I'm not interested in the early retirement plan"? Would anything happen to that employee?

A. No.

Q. They wouldn't be fired?

A. No.

Q. They wouldn't be harassed?

A. No.

Q. They wouldn't be looked down upon?

A. No.**G. LIBUTTI**

2007, do you know why this letter was written in May of 2006?

MR. KORAL: Objection.

A. Yes, to inform him before the time, before too late, in order to give good information to him in order to prepare his life.

Q. In the letter you mention that Alitalia does not have any further assignments for Mr. Gallo?

A. Yeah.

Q. Why is that, why did you mention that?

MR. KORAL: Objection.

A. It's been mentioned because it was very important that it was still remaining valid in the contract, Alitalia was thinking that didn't need anymore the service of Mr. Gallo as a consultant but was ready to ask any cooperation of him until the end of the contract.

Q. Were they dissatisfied with his work?

A. I think we were satisfied until the day, yes.

Q. Did there ever come a time that you were dissatisfied with his work?

A. No.

Q. Can you please explain then why you would not have anymore work for him to do?

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MR. SMITH: Can you please mark this. (Whereupon, the aforementioned document was marked as Plaintiff's Exhibit Libutti 2 for identification as of this date by the Reporter.)

MR. KORAL: This isn't the copy that we produced but no objection.

A. Yeah.

Q. Okay, do you recognize that?

A. Yes.

Q. And is that a letter that you wrote?

A. Yes.

Q. And why did you write that letter?

A. Why?

Q. Yes.

A. Because Alitalia head office told me that the contract with Mr. Gallo of consultancy was ending in March 2007, so it would be very correct for me on time before the contract was ending and not at the last moment. Also, because there probably was something in the contract that they had to oblige the company to have some months before to inform of before the end of the contract.

Q. If the contract did not expire until March of

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A. Consultant work under project. So when probably all the projects were ending and all activity were ending so probably at that time Alitalia didn't need anymore the service for those months from Mr. Gallo but was ready to start again in September, maybe October. Then I left the United States so I don't know what's happening.

Q. Who took over his duties after he left?

A. We had a meeting with Mr. Gallo and we make a list of activities and Mr. Gallo explain me which person of each division could take care about different activities. Some activities had been transferred, if remained, to human resource and some activities remained to Mr. Orlando D'Oro, if I remember well.

Q. If you know, why would Alitalia continue to pay someone and not have them work there?

A. You should ask the head office, not to me.

Q. So you don't know?

A. No.

Q. And by someone I mean Mr. Gallo?

A. Okay.

Q. Okay.

A. They did to me too.

Q. They fired you?

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2 A. No.

3 Q. They kept you on?

4 A. No, we reached an agreement with the company and
 5 the last three, four -- I left the company with mutual
 6 agreement and they pay me for the last three, four
 7 months, I didn't went to the office, it was an
 8 agreement.

9 Q. Do you know why they would do that?

10 A. I don't know, overseas they're not very happy.

11 Q. And when was that?

12 A. It was in 2006.

13 Q. Now you said before there were two early
 14 retirement plans; what was the difference between the
 15 two of them, if any?

16 A. Different people involved, I don't know, and
 17 different period of time and I don't remember a big
 18 difference among.

19 Q. Why did there come a time that there was a second
 20 early retirement plan?

21 A. Why was the second early retirement plan?

22 Q. Yeah, why did you have a second early retirement
 23 plan?

24 A. Because the situation of the company became worse
 25 and worse until, you know, it has almost been in

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2 A. I'm sorry, again the question, I didn't
 3 understand.4 Q. Did you ever say to Francesco Gallo that he was
 5 no young chicken?6 A. No young chicken, I don't know what means young
 7 chicken, I'm sorry.8 Q. Okay. If you don't know, just tell me you don't
 9 know.

10 MR. KORAL: Objection.

11 Q. Did you ever call Francesco Gallo an American
 12 shit?

13 A. No.

14 Q. Did you ever tell him that he should quit because
 15 he was no longer Italian?

16 A. Absolutely not.

17 Q. Did you ever tell anyone that Francesco Gallo was
 18 gay?

19 A. No.

20 Q. Did you ever tell anyone that Francesco Gallo had
 21 sex with another man?

22 A. No.

23 Q. Did you ever tell anyone that Francesco Gallo had
 24 any type of sexual relation with another man?

25 A. No.

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2 bankruptcy and it was requested another effort to reduce
 3 the cost and again we didn't want let go people,
 4 terminate people without giving the possibility of
 5 accept an early retirement plan.

6 Q. What was the age limit on the first early
 7 retirement plan?

8 A. On the first I don't remember because I didn't
 9 manage.

10 Q. And on the second one?

11 A. If I remember the second one was 50 or 51.

12 Q. Did anyone in corporate headquarters ever tell
 13 you that they would prefer to have younger employees at
 14 Alitalia?

15 A. No.

16 Q. Did anyone at corporate headquarters ever tell
 17 you that many of the old people should be fired?

18 A. No, absolutely.

19 Q. Have you ever seen any PowerPoint presentations
 20 with regard to the ages of employees at Alitalia?

21 A. PowerPoint presentation with the age?

22 Q. Ages of the employees?

23 A. No.

24 Q. Did you ever say to Francesco Gallo that he's no
 25 young chicken?

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2 Q. Did you ever speak to Francesco Gallo and tell
 3 him that in sum and substance you must be very busy
 4 taking it in the ass?

5 A. No.

6 Q. Now at Alitalia when you were working in New
 7 York, did you and Galli and Gallo, would you curse?

8 A. Sorry?

9 Q. Would you curse, would you use derogatory terms,
 10 would you -- foul language?

11 MR. KORAL: Objection.

12 A. Vulgar language?

13 Q. Vulgar language, that's a better way of putting
 14 it, thank you.

15 A. No, it could be a strong Italian expression
 16 because it could be -- could happen, yes, but --

17 Q. What types of strong Italian expressions?

18 A. In dialect, I don't know, por caponata.

19 Q. What does that mean?

20 A. I don't know, I don't know the translation.

21 Q. Literally what does it translate?

22 A. Literally it's no sense.

23 Q. What else, anything else that you can think of?

24 A. This is kind of wording in the dialect of some
 25 different region of Italy. It could happen. Mr. Gallo

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1 was used to do those too, I mean, it's normal among
 2 Italian, this expression. Madone, you know, Madone?

3 Q. Yes. Back in 2003 was Francesco Mengozzi the CEO
 4 of Alitalia?

5 A. Yes.

6 Q. To your knowledge did he ever express desire to
 7 fire older employees at Alitalia?

8 A. I never met Mr. Mengozzi personally, just in a
 9 meeting so he didn't speak to me any time.

10 Q. But to your knowledge?

11 A. No.

12 Q. Whether through the grapevine or rumors?

13 A. No, no.

14 Q. Have you ever seen the lawsuit in this case?

15 MR. KORAL: Objection.

16 A. Did you receive lawsuit?

17 Q. Have you ever seen the amended complaint in this
 18 case?

19 A. I receive notification -- this Gallo lawsuit?

20 Q. Yes.

21 A. I receive notification, yes, in Italy.

22 Q. And was it translated into Italian?

23 A. The last one, yes. The last one, yes.

24 Q. And did you read that?

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1 think.

2 Q. Did he ask you what do you think?

3 A. Yes.

4 Q. What did you say?

5 A. Shocked.

6 Q. Anything else?

7 A. No. No words, no comment.

8 Q. What time did Francesco Gallo get to work in the
 9 morning?

10 MR. KORAL: Objection.

11 A. I didn't check his time. He come when he wanted
 12 so I was very early in the office, around 8:00, 8:30.

13 Sometimes I found him in the office, sometime not.

14 Q. What time did you get to the office?

15 A. Myself, normally between 8:00, 8:30 when I was in
 16 the United States.

17 Q. And when you got to the office in general was Mr.
 18 Gallo there?

19 A. Sometimes he was there. We used to call each
 20 other to coffee, yes.

21 Q. And that's when you would say the bar is open?

22 A. Yes, it was our password.

23 Q. Did you ever call Mr. Gallo into your office in
 24 the morning and lock the door and have conversations?

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1 A. I was reading, yes.

2 Q. What was your reaction as you're reading that for
 3 the first time?

4 MR. KORAL: Objection.

5 A. Shocked.

6 Q. Why were you shocked?

7 A. Something you could not expect in your life.

8 Q. And why is that?

9 A. Because I think Franco Gallo was one of the last
 10 person to do something like that.

11 Q. And when you say like that, what did he do?

12 A. Sorry?

13 Q. Please explain what you mean when you say
 14 something like that, like what?

15 A. Accusation that was in the lawsuit.

16 Q. Are you saying that those accusations are false?

17 A. Answer, yes.

18 Q. Did you discuss this -- other than your lawyer or
 19 anyone at this office, did you discuss that complaint,
 20 the lawsuit that you got with anyone else?

21 A. Yeah, we have some comment with Mr. Galli.

22 Q. And please tell me what you talked about?

23 MR. KORAL: Objection.

24 A. Nothing, you receive, I receive, what do you

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1 A. The door, we didn't close the door because we
 2 were the only two in the office at that time so we
 3 didn't close the door. Normally, we didn't close the
 4 door.

5 Q. Did there ever come a time to your knowledge that
 6 the door was closed and the two of you and this would be
 7 after you called him in to have a conversation?

8 A. Sometime I remember when the conversation was
 9 very important like organization of the company, Mr.
 10 Gallo closed the door, yes.

11 Q. Did you ever ask him, him meaning Mr. Gallo, what
 12 the sexual orientation was of various employees?

13 A. No, I didn't ask; he was telling me.

14 Q. So he would say to you so and so is gay or so and
 15 so is not?

16 A. Correct.

17 Q. Did you ever ask him why he was telling you this?

18 A. No, but I tried to not follow the conversation.

19 Q. And who did Mr. Gallo tell you was gay?

20 A. He told me that Tim O'Neill was gay, that Ken
 21 Futterman was gay, they had sexual relationship.

22 Q. They meaning who?

23 A. Ken Futterman and Tim O'Neill is what Mr. Gallo
 24 said to me. Mr. Picone was gay and Mr. DiVicenzo was

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1 gay. He told me that Ms. Abbott was lesbian. He told
 2 me that Ester Lorusso used to do blow job to our
 3 predecessor. Many, many things like that, yes.

4 Q. What else? Tell me. This is all stuff I want to
 5 know about. What else did he say?

6 A. He was talking very bad about Anna Mariani.

7 Q. What did he say?

8 A. That she was using dead people to defend herself.

9 Using dead people like Mr. Corallo was my predecessor
 10 that she accused had been harassed by him. So Mr. Gallo
 11 said it was a bitch using the dead man to accuse
 12 Alitalia. Also told me that Betty Santella probably is
 13 a lesbian and that's all.

14 Q. Did he ever tell you that Gabriele Mariotti was
 15 a --

16 A. No, never mentioned a bit about it.

17 Q. And you never asked him to find out this
 18 information?

19 A. No, I don't care about sexual orientation of the
 20 people.

21 Q. So you don't know why Francesco Gallo was telling
 22 you this?

23 A. No, probably to keep me informed about the
 24 secrets of rumors and secret of the company. He has

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1 A. Yes.

2 Q. Did you ever grab his arm?

3 A. Sorry?

4 Q. Have you ever forcibly grabbed Mr. Gallo?

5 A. I never touch.

6 Q. Ever yell at him?

7 A. Sorry?

8 Q. Did you ever yell at him?

9 A. Yellow?

10 Q. Yell at -- holler at him, yell?

11 A. Listen, I repeat in that period I had a lot of
 12 respect for Mr. Gallo so I never yell to him.

13 Q. Did you ever say you hated jews?

14 A. If I hate jews?

15 Q. Yes.

16 A. No.

17 Q. Did you ever say that you hated American
 18 attorneys?

19 A. American attorney. No, I don't hate American
 20 attorney. I'm sorry Alan.

21 Q. Were you aware if Mr. Gallo was an American
 22 citizen?

23 A. No, I suppose he was but I never ask he was. I
 24 didn't see the passport.

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1 been for 30 years there, I have only been for 3 years.

2 Q. When he would tell you this information, what did
 3 you say?

4 A. I don't care. I was working very well with all
 5 of them so.

6 Q. When Mr. Gallo would continue to tell you other
 7 people who were gay, would you continue to say I don't
 8 care?

9 MR. KORAL: Objection.

10 A. I didn't comment.

11 Q. Did you ever refer to the employees, Alitalia
 12 employees at North America in New York as, forgive my
 13 pronunciation, as the Froci?

14 A. No.

15 Q. Did I pronounce it correctly?

16 A. Yeah, perfect.

17 Q. On a telephone call around December of 2005, do
 18 you recall telling Francesco Gallo "since I'm not there
 19 you must be very busy taking it in the ass. Try to be
 20 good. Think what would happen if your wife would find
 21 it out." Do you recall that?

22 A. No.

23 Q. And you read that in the complaint that you
 24 received in Italy, right?

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1 Q. And why do you suppose he was?

2 A. He was living in the United States since 30 or
 3 more years so I suppose he's American citizen.

4 Q. Did you ever say to Mr. Gallo you rushed in to
 5 become an American citizen in order to F-U-C-K my
 6 strategy?

7 A. No.

8 Q. Were you frustrated that you were not an American
 9 citizen?

10 A. No, I'm proud to be Italian.

11 Q. Were you frustrated that you were not able to get
 12 your green card?

13 A. No.

14 Q. Did Mr. Gallo ever complain to Mr. Galli about
 15 you?

16 A. You should ask Mr. Galli.

17 Q. To your knowledge?

18 A. No.

19 Q. Did Mr. Galli ever discuss any complaints from
 20 Mr. Gallo with you?

21 A. No.

22 Q. Did you ever say to Mr. Gallo, I'm the boss you
 23 have to listen to me or anything of that nature?

24 A. You know, I told you again the respect for the

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A. No.

Q. Did he ever tell you that he was being sexually harassed by someone in Alitalia?

A. Not to me.

Q. Did he ever discuss that with anyone else?

A. No.

Q. That you know of?

A. I know the lawsuit that the letter he wrote.

Q. Right. Aside from that letter?

A. No.

Q. Did Mr. Gallo promote Mr. Oksuz?

A. Yes.

Q. And when was that?

A. February 2006, if I remember well.

Q. So is it fair to say that as a consultant Mr. Gallo still had the ability to promote somebody?
A. No, he has not the ability. I was very upset when I was back in the office that he signed the letter instead of me.

Q. Did you go to Mr. Oksuz and tell him forget it, I can't -- you're not promoted anymore because Mr. Gallo didn't have the authority?

A. No.

Q. Why is that?

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A. Because the letter already had been signed and it was a double signature. Not only Mr. Gallo but Mr. Marchese. Mr. Gallo had not the authority to sign the letter, but anyway the company letter has been written to an employee so Mr. Gallo explained to me it was too late to change and I say that the problem is not to promote, we agreed, both agreed to promote him in the that position. The discussion was the title. I was mostly in favor of manager instead of vice president. Was my complaint the title, not the promotion. So just for the title I was consider is not the case to go to Oksuz and say we're joking.

Q. You said were you angry, you were angry at Francesco Gallo for doing that?

A. No, I say very upset but Franco Gallo explained to me that it was the best choice. Again, I told him I didn't agree, it was mistake for me I told him, but he insisted. I said okay, it's your responsibility now to make him as a really capable manager for the company.

Q. Did you ever tell Mr. Gallo you can't promote anyone, you're a consultant?

MR. KORAL: Objection.

A. No, I told that, I told that this -- I never told something like this to him. The only case was that

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letter.

Q. Did you ever tell that to Mr. Gallo about anything, you can't do "X" because you're a consultant?

A. No.

Q. Why were you unhappy with the title?

A. Because from a cashier to vice president you jump too much, you think so, and I was aware that probably this change in organization maybe didn't like the majority of employees that after many years they didn't even reach the position of manager and somebody jumped from cashier to be vice president.

Q. Do you know if Mr. Gallo was ultimately fired from Alitalia?

MR. KORAL: Objection.

A. Sorry?

Q. Fired, terminated?

A. Who?

Q. Was he fired, Mr. Gallo?

A. I'm asking you to repeat the entire question.

Q. Was Mr. Gallo ever fired from Alitalia?

A. I don't know.

Q. Did anybody ever discuss with you firing Mr.

Gallo?

A. Never. You cannot fire a consultant as I know,